(G.C.P.)J 455 (5,00,000)-11.2001) Spl-H.C.,A.S.,C.D.,78e

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.6986 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions and Registrar's order.	Court's or Judge's orders

Shri V.P.Patil for the petitioner.

S/Shri P.K.Rele, Sr.Counsel, with V.N.Tayade i/b Piyush Shah for the respondents.

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CORAM: R.M.S.KHANDEPARKAR, J

DATED: 18th October, 2006.

P.C.

1. Heard. The only point which is sought to be canvassed in the matter is that some of the employees who were chargesheeted have been granted voluntary retirement while the petitioner has been saddled with the punishment of dismissal. Undisputedly, the Labour Court in the Complaint (ULP) No.511 of 1994 by order dated 24th April, 2001 had held that the inquiry conducted by the respondents was legal, fair and proper, and the findings of the Inquiry Officer were not perverse. The said findings have not been challenged by the petitioner. In these

circumstances, once the charges have been proved and the inquiry has been conducted properly without any violation of the basic principles of natural justice and the findings of the Inquiry Officer were not perverse, no fault can be found with the punishment imposed against the petitioner for dismissal from the service, particularly taking note of the nature of the misconduct proved against her. Being so, in some other cases, merely because the management has taken some lenient view, that itself does not give rise to right in favour of the petitioner to contend that the petitioner also should be meeted with the same punishment.

2. As no other point is canvassed in the matter, there is no case for interference in the impugned order, and the petition fails and is dismissed.

(R.M.S.KHANDEPARKAR, J)